

CBJ DOCKS & HARBORS BOARD
SPECIAL BOARD MEETING AGENDA
For Wednesday, July 22, 2020

- I. Call to Order** (5:00 pm Port Director Office)
Special Board with Operations/Planning meeting following
Join Zoom Meeting
<https://juneau.zoom.us/j/95049645196?pwd=bnErVGJQOOTJ3SENjZnIwbG5BTFRwZz09>
or via phone 253 215 8782
Meeting ID: 950 4964 5196
Password: 018880
- II. Roll Call** James Becker, Chris Dimond, Steven Guignon, James Houck, Mark Ridgway, Annette Smith, Bob Wostmann, David Larkin, Don Etheridge
- III. Approval of Agenda**
- MOTION: TO APPROVE THE AGENDA AS PRESENTED.**
- IV. Public Participation on Non-Agenda Items** (not to exceed five minutes per person, or twenty minutes total time).
- V. New Business**
1. FY2021 Docks & Harbors Board Elections
 - A. Election of Docks & Harbor Board Chair
 - B. Election of Docks & Harbors Board Vice-Chair
 - C. Election of Docks & Harbors Operations-Planning Chair
 - D. Election of Docks & Harbors Operations-Planning Vice-Chair
 2. Decision to and Assignment of FY2021 Board Special Ad Hoc Committees
 - A. Finance Sub-Committee
 - B. Visitor Industry Task Force Work Group
 - C. Commercial Use of Docks & Harbors Property Policy Work Group
 - D. Liaison to CBJ Assembly Lands Committee
 - E. Liaison to South Douglas/West Juneau Plan
 - F. Liaison to Auke Bay Plan Steering Committee
 - G. Port Director's Evaluation Committee
- VII. Adjournment**

Presented by: The Manager
Introduced: 06/09/2014
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2690

A Resolution Approving Amendments to the Bylaws of the Board of Directors of Docks and Harbors.

WHEREAS, the Docks and Harbors Board of Directors is responsible for the administration and management of the Docks and Harbors under general direction of the Assembly; and

WHEREAS, CBJ 40.05.030 provides that the Docks and Harbors Board of Directors shall recommend bylaws for the administration and government of the Docks and Harbors, which bylaws shall become effective upon approval of the Assembly by resolution; and

WHEREAS, the Assembly may accept the bylaws recommended by the Docks and Harbors Board of Directors, may reject such bylaws, or may modify them; and

WHEREAS, at its regular meeting of May 29, 2014, the Docks and Harbors Board of Directors approved certain amendments to the bylaws consistent with CBJ ordinances and forwarded the same to the Assembly; and

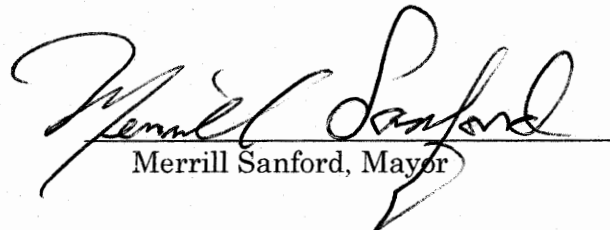
WHEREAS, the Docks and Harbors Board of Directors recommends that the Assembly approve the amended bylaws attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

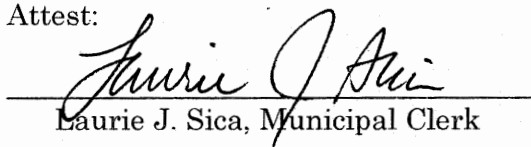
Section 1. The Assembly hereby approves the Docks and Harbors Board of Directors Bylaws, dated June 9, 2014, attached as Exhibit A.

Section 2. Effective Date. This resolution shall be effective immediately upon its adoption.

Adopted this 9th day of June, 2014.


Merrill Sanford, Mayor

Attest:


Laurie J. Sica, Municipal Clerk

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ARTICLE I. NAME, DUTIES, AND POWERS

1. NAME. The governing body of the City and Borough of Juneau Docks and Harbors shall be known as the City and Borough of Juneau Docks and Harbors Board, hereafter referred to as the Board.
2. DUTIES AND POWERS OF THE BOARD. The duties and powers of the Board regarding the operation of the municipally owned and operated port and harbor facilities are established by Charter Section 3.21 and Chapter 85.02 of the Code of the City and Borough of Juneau.

ARTICLE II. BOARD MEMBERSHIP AND APPOINTMENT

1. NUMBER OF DIRECTORS. The Board shall consist of nine (9) members.
2. APPOINTMENT. All Board members shall be appointed by the City and Borough of Juneau Assembly as provided by Section 85.02.010 of the Code of the City and Borough of Juneau.

A new member shall be seated immediately upon the call of the roll at the first Board meeting after the new member is appointed.

3. TERM OF APPOINTMENT. As provided in Section 85.02.010, Board members shall be appointed for staggered three-year terms and until their successor is appointed. Appointment terms will not violate the conditions set forth in Section 85.02.010.
4. VACANCIES. When the conditions set forth in Section 85.02.030 of the Code of the City and Borough of Juneau occur, the Chair will notify the Clerk's Office that a vacancy exists.

Vacancies on the Board shall be filled by the City and Borough of Juneau Assembly as provided by Section 85.02.030 of the Code of the City and Borough of Juneau and the Assembly Rules of Procedure.

A member filling a vacancy shall be seated immediately upon the call of the roll at the first Board meeting after the new member is appointed.

5. MEMBERS. The duties and responsibilities of the Board members shall be as set forth in Sections 85.02.60, 85.02.63, and 85.02.65.

ARTICLE III. OFFICERS

1. OFFICERS. Officers of the Board shall consist of a Chair, Vice Chair and any other officers as

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the Board may from time to time deem necessary.

2. ELECTION OF OFFICERS. Officers shall be elected at the annual Board meeting or at such time as offices become vacant.
3. TERM. Each officer shall serve for a term to extend until the next annual Board meeting or until such time as they vacate the office.
4. REMOVAL. Any officer may be removed from his or her office by an affirmative vote of at least six (6) Board members at a meeting called for that purpose or by the Assembly in accordance with CBJ 85.02.030.
5. CHAIR. The Chair shall preside at all Board meetings.

The Chair shall assign tasks to Board members and committees and shall ensure that all business of the Board is carried out.

The Chair shall act as spokesperson for the Board and will have such other duties and responsibilities as delegated to him or her by the Board.

6. VICE CHAIR. The Vice Chair shall act as the Chair in the absence of the Chair.

ARTICLE IV. COMMITTEES

1. STANDING COMMITTEES. There shall be the following standing committees of the Board:

- * Finance
- * Operations & Planning

The Chair shall appoint each Board member to serve on at least one standing committee. The Board Chair shall serve as a voting member of all standing Committees.

The Chair shall appoint a Board member to serve as the Chair of each standing committee. No Board member shall chair more than one standing committee.

Unless otherwise directed by the Chair, all standing committees will function at the direction of the appointed committee Chair.

2. SPECIAL COMMITTEES. The Board or the Chair may establish special committees to facilitate any Board business.

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The Chair shall appoint two or more Board members and may appoint any individual that is not a member of the Board to serve on any special committee established.

The Chair shall appoint a Board member to serve as the Chair of each special committee.

Unless otherwise directed by the Chair, all special committees will function at the direction of the appointed committee Chair.

A special committee shall serve for a period of time or for the accomplishment of a particular task or tasks as determined by the Chair. No special committee shall serve beyond the annual Board meeting unless reconstituted by the newly elected Chair.

ARTICLE V. MEETINGS

1. REGULAR. The Board shall meet at least once each month at a place and time designated by the Chair.

The Board may act on any matter within its authority at a regular or annual Board meeting whether or not such item was identified in the notice of the meeting.

2. ANNUAL. An annual meeting shall be held on the last Thursday of July each year.

The annual Board meeting may be postponed by the Board to a certain day.

At the annual meeting, a Chair, a vice Chair and other such officers as the Board shall deem necessary, shall be elected.

3. EXCUSED ABSENCES. Any absence of a member from a regular Board meeting shall be deemed unexcused unless the member is absent as a result of attending to official business on behalf of the Board, for extenuating medical reasons or for other significant cause, in which case the absence may be deemed excused by the Board Chair.

4. SPECIAL. Special Board meetings may be called at any time by the Chair or any three (3) Board members for good cause, which must be reaffirmed at the beginning of any special meeting.

Only business identified in the notice of the meeting may be transacted at a special Board meeting.

5. COMMITTEE. Committee meetings may be called at any time by a committee Chair or by a majority of the committee's membership.

Any topic or item may be discussed that falls within the purview of the committee's charge as

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determined by the Chair, committee Chair, or a majority of the committee's membership.

6. QUORUM. For all Board meetings, a quorum shall consist of five (5) members in attendance or participating via telephone. For all committee meetings, a quorum shall consist of a minimum of three (3) voting committee members in attendance or participating via telephone.

7. ADJOURNMENT, CONTINUATION, AND POSTPONEMENT OF MEETINGS. If a quorum is not present at a meeting, the Chair or committee Chair may adjourn such meeting to a time and place he or she determines most appropriate; provided that notice of the time and place of the adjourned meeting shall be given to each Board or committee member and the general public at least twenty-four (24) hours prior to such meeting.

If a quorum is present at a meeting, such meeting may be continued or adjourned from day to day and no additional notice of such continuation or adjournment need be given.

8. VOTES. No person other than a Board member is entitled to vote at any Board or committee meeting, except appointed members of special committees within those committees.

Each Board member shall be entitled to one (1) vote. No proxy votes may be used to constitute a quorum, transact business, or otherwise. To register a vote, the Board member must be present at the meeting or participating via telephone at the time the vote is taken.

An affirmative vote of at least five (5) Board members is required for a main motion to pass the Board. An affirmative vote of the majority of committee membership is required for a main motion to pass a committee.

9. ORDER OF BUSINESS. The following order of business shall be observed at all regular, annual, or special Board meetings and committee meetings insofar as practicable or necessary:

- Call to Order
- Calling of the Roll
- Port Director Request's for Agenda Changes
- Public Participation on Non-agenda Items
- Approval of the Previous Meeting Minutes
- Consent Agenda
- Unfinished Business
- New Business
- Items for Information
- Staff, Committee and Member Reports
- Board Administrative Matters
- Adjournment

As the first order of business after the calling of the roll at the annual Board meeting or at the first

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regular or special meeting after an officer vacancy has been recognized by the Board, the Chair, Vice Chair and/or other officers shall be elected.

The Port Director may include under the consent agenda:

- A. Actions to Propose Regulations for Public Comment
- B. Bid awards that have received Committee concurrence
- C. Resolutions
- D. Other items requiring Board action which do not involve substantial public policy questions.

10. BOARD MEETINGS PUBLIC. All Board and committee meetings are open to the public, except that executive sessions may be held in accordance with AS 44.62.310.

11. CONFLICT OF INTEREST. No Board member shall vote or deliberate on any question in which he or she has a conflict of interest as defined by Chapter 01.45 of the Code of the City and Borough of Juneau.

Such a Board member shall not be counted in determining the quorum for such a vote.

12. TELEPHONIC PARTICIPATION.

A. A member may participate via telephone in a Board or Committee meeting, if the member declares that circumstances prevent physical attendance at the meeting. If the Chair chooses to participate by teleconference, the Vice chair shall preside.

B. No more than the first three members notifying the Board secretary regarding telephonic participation in a particular meeting may participate via telephone at any one meeting.

C. The member shall notify the Board secretary, if reasonably practicable, at least four hours in advance of a meeting which the member proposes to attend by telephone and shall provide the physical address of the location, the telephone number, and any available facsimile, email, or other document transmission service.

D. At the meeting, the Board or Committee secretary shall establish a telephone connection when the call to order is imminent.

E. A member participating by telephone shall be counted as present for purposes of quorum, discussion, and voting.

F. The member participating by telephone shall make every effort to participate in the

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entire meeting. From time to time during the meeting, the presiding officer shall confirm the connection.

G. The member participating by telephone may ask to be recognized by the presiding officer to the same extent as any other member.

H. If the telephone connection cannot be made or is made then lost, the meeting shall commence or continue as scheduled and the Board secretary shall attempt to establish or restore the connection, provided that if the member participating by telephone is necessary to achieve a quorum, the meeting shall be at ease, recess, or adjourn as necessary until the telephone connection is established or restored.

I. Participation by the telephone shall be allowed only for regular, special, or committee meetings of the Board.

J. Any member of the public present with the member participating by telephone shall be allowed to speak to the same extent he/she would if physically present at the meeting.

K. As used in these bylaws, “telephone” means any system for two-way communication.

ARTICLE VI. PUBLIC HEARINGS, RULES FOR PUBLIC PARTICIPATION, AND APPEALS

1. PUBLIC HEARINGS AND RULES FOR PUBLIC PARTICIPATION. The Board may hold public hearings in accordance with established City and Borough of Juneau procedures to take public or other testimony on any issue dealing with Board duties or responsibilities. Public testimony will be conducted according to the following rules, which will be available at the meeting:

A. The presiding chair of the meeting will conduct the hearing.

B. The presiding chair will open the hearing by summarizing its purposes and reemphasizing the rules of procedure.

C. The presiding chair may set a time limit for public testimony, for individual speakers, or both if it appears necessary to gain maximum participation and conserve time, and may for the same reason disallow all questions from the Board members to members of the public. A majority of the Board or Committee may extend the time limit. The time limit for individual speakers shall be uniform for all speakers and shall be strictly enforced. Speakers shall not have the right to transfer their unused time to other speakers, but the presiding officer may grant additional time to a person speaking on behalf of a group present at the meeting.

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D. Citizens will be encouraged to submit written presentations and exhibits. Material submitted to the Port Director's Office more than three business days before a meeting and comprising 10 pages or less will be eligible for copying for that meeting. Material submitted less than three days before a meeting will be distributed by the Port Director at the meeting provided the submission contains at least 15 copies.

E. The presiding officer will set forth the item to be discussed and will rule non-germane comments out of order.

F. All speakers, public, and members of the Board must be recognized by the presiding chair.

G. Members of the public will precede their remarks by stating their names, and unless otherwise allowed by the presiding chair, their place of residence.

H. Members of the Board will be recognized by their surnames.

I. Members of the Board will not direct questions to each other or to the chair during the public participation except as to the conduct of the hearing.

J. Members of the Board may direct questions to a member of the public only to obtain clarification of material presented. The questions may not be argumentative, nor may they have the effect of unreasonably extending the time limit applicable to public speakers.

K. The public may direct questions to the Board or the administration. However, the Chair shall have discretion as to the appropriate manner and time for a response. In no case shall the Board engage in debate with the public.

L. The Port Director may participate in the same manner as members of the Board.

2. APPEALS TO THE BOARD. The Board will, in those instances allowed by the Code of the City and Borough of Juneau and under procedures established by the City and Borough of Juneau, hear and adjudicate public appeals regarding the application of Harbor rules, policies and procedures. The Board will adopt rules of procedure for handling appeals.

ARTICLE VII. PORT DIRECTOR

1. PORT DIRECTOR. The Port Director serves at the pleasure of the Board as identified in Section 85.02.080 of the Code of the City and Borough of Juneau.

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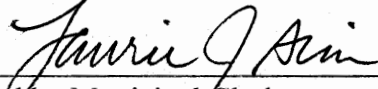
The Port Director shall have the duties and responsibilities identified in Section 85.02.090, 85.02.110, and 85.02.130 of the Code of the City and Borough of Juneau.

ARTICLE VIII. EFFECTIVE DATE AND AMENDMENTS

1. **EFFECTIVE DATE OF BYLAWS.** These Bylaws, as amended, are effective June 9th, 2014.
2. **AMENDMENTS.** Any of these Bylaws may be amended by an affirmative vote of six (6) Board members at any regular or special meeting called for and approved by the Assembly.
3. **ADDITIONAL PROVISIONS.** Indemnification of Directors and Officers Each director and officer now or hereafter serving as such, shall be, and by virtue of this Bylaw provision hereby is, indemnified by the City and Borough of Juneau against any and all claims and liabilities to which they, their heirs, and personal representatives, have or shall become subject due to serving or having served as such director or officer, or neglected by them as such director or officer; and the City and Borough of Juneau shall reimburse each such person for all legal expenses (including attorney's fees) reasonably incurred by them in connection with any such claim or liability, provided, however, that no such person shall be indemnified against, or be reimbursed for any expense incurred in connection with, any claim or liability arising out of their own willful misconduct or gross negligence.

The amount paid to any director or officer by way of indemnification shall not exceed their actual, reasonable, and necessary expenses incurred concerning the matter involved. The right of indemnification, herein above provided for, shall not be exclusive of any rights to which any director or officer may otherwise be entitled by law.

Adopted via Resolution No. 2690 this 9th day of June, 2014.



Attested by Municipal Clerk

Chapter 85.02 - DOCKS AND HARBORS BOARD¹¹

85.02.010 - Board of directors.

There is established the board of directors of the City and Borough docks and harbors which shall be known as the City and Borough docks and harbors board and shall consist of nine members appointed by the assembly to serve without compensation for staggered three-year terms. City and Borough docks and harbors board members shall serve at the pleasure of the assembly. Terms shall commence on July 1. No board member, or member of a board member's immediate family or household, may be employed by the Harbors Department. To the extent possible, appointments to the City and Borough docks and harbors board shall include persons having marine, engineering, financial, or other skills relevant to port and harbor matters. Appointments to fill vacancies shall be for the unexpired term. In the event a seat has six months or less remaining to the unexpired term, the assembly, at its discretion, may choose to appoint the member to the remainder of the current term as well as to the full term immediately following the expiration date of the unexpired term. No member of the docks and harbors board who has served for three consecutive terms or nine years shall again be eligible for appointment until one full year has intervened, provided, however, that this restriction shall not apply:

- (1) If there are no other qualified applicants at the time reappointment is considered by the assembly human resources committee, or
- (2) To qualified board members serving in board seats for which a specific occupation or expertise is set forth by ordinance.

85.02.020 - Organization.

The City and Borough Docks and Harbors Board shall elect annually from its members a chair and vice chair and such other officers as it deems necessary. The board may appoint such committees as it deems necessary.

85.02.030 - Vacancies.

- (a) A vacancy in the City and Borough Docks and Harbors Board shall exist under the following conditions:
 - (1) If a person appointed to membership fails to qualify and take office within 30 days of appointment;
 - (2) If a member departs from the City and Borough with the intent to remain away for a period of 90 or more days;
 - (3) If a member submits his or her resignation to the board or assembly;
 - (4) If a member fails to attend three consecutive regular board meetings, unless excused by the board;
 - (5) If a member misses more than 40 percent of the regular board meetings in a 12-month period;
or
 - (6) If a member is removed by the assembly, in its sole discretion, for the convenience of the City and Borough.
- (b) For the purposes of counting attendance, a member participating telephonically in accordance with the Assembly Rules of Procedure shall be counted as present.
- (c) The chair of the City and Borough Docks and Harbors Board shall notify the clerk's office of any vacancy on the board. Upon notification, the assembly shall appoint a new member for the unexpired term.

85.02.040 - Meetings. The City and Borough Docks and Harbors Board shall meet at least once each month at a place and time to be designated by the chair.

85.02.045 - Coordination.

- (a) The City and Borough Docks and Harbors Board shall, no later than November 30 each year, provide the assembly with a written review of docks and harbors department operations during the preceding fiscal year. The review shall include fee schedules, revenues by source, operating expenditures, customers served, and any recommended amendments to the Downtown Waterfront Development Plan. The manager shall review and comment on the recommendations.
- (b) The board shall submit to the assembly committee of the whole at least semi-annually a report on port and harbor operations and pending issues.
- (c) The assembly shall appoint a member to serve as liaison to the board.
- (d) The board shall adopt safety policies acceptable to the City and Borough risk manager or such other officer as the manager may designate.
- (e) In emergencies, the harbor shall, to the extent necessary to resolve the emergency, be under the control of the fire chief or such other officer as the manager may designate.
- (f) Reserved.

85.02.050 - Membership in associations.

The City and Borough Docks and Harbors Board may maintain membership in any local, state or national group or association organized and operated for the promotion, improvement or assistance in the administration of port and harbor facilities and, in connection therewith, pay dues and fees thereto.

85.02.060 - General powers.

- (a) Subject to state laws and City and Borough ordinances, the City and Borough Docks and Harbors Board shall generally exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board shall:
 - (1) Be responsible for the operation, development and marketing of municipally owned and operated port and harbors, including such facilities as boat harbors, docks, ferry terminals, boat launching ramps, and related facilities except as designated by the assembly by resolution.
 - (2) Adopt pursuant to CBJ 01.60 and enforce regulations necessary for the administration of the facilities under its management.
 - (3) Prescribe the terms under which persons and vessels may use the facilities and shall establish and enforce standards of operation.
 - (4)
 - (A) Within the docks and harbors appropriation and in conformity with the rates of pay established for municipal positions of similar responsibility, establish, and may amend, the pay plan for harbor employees.
 - (B) The Docks and Harbors Department shall conform to the City and Borough Personnel Management Code, the City and Borough Personnel Rules, Personnel Classification Plan, and the manager's policies relating to personnel. The Docks and Harbors Department shall utilize the services of the Human Resources and Risk Management Department when hiring or terminating any employee, when responding to grievances, in labor agreement negotiation, and in substantial disciplinary matters. The City and Borough Human Resources and Risk Management Director shall annually certify that the Harbor Department Classification Plan conforms to that utilized for employees of the manager.
 - (5) Administer and dispose of City and Borough tideland, submerged land, and other land as provided by the assembly by resolution as subject to docks and harbors board administration, subject to the following limitations:

- (A) No sale, purchase, or trade of land shall be made without prior review by the assembly lands committee and approval by the assembly by resolution.
 - (B) Unless otherwise designated in advance by the assembly by resolution, any lease of land shall be limited to marine-related uses, and those uses accessory to tenancy on the boat harbor or use of the port.
 - (C) All land transactions by the board in accordance with this section shall be consistent with the land management plan developed under CBJ 85.02.063.
 - (i) Land shall be leased as provided in title 53, provided that the provisions of section 53.20.020 relating to a declaration of availability and identification in the land management plan shall not apply.
 - (ii) For purposes of applying title 53 pursuant to this subsection (C), any action required by title 53 of the manager may be performed by the port director.
- (6) Shall administer the design and construction of all capital improvements on lands managed by the docks and harbors board unless otherwise specified by the assembly by resolution. The board may propose capital improvement projects to and apply for funding from state and federal agencies; provided, that such requests shall be subject to prioritization by the assembly with other municipal capital improvement funding requests prior to application for funds. The board shall, no later than November 30 each year advise the assembly of its recommendations for capital improvements to be included in the six-year capital improvement plan prepared by the manager.
- (7) (A) Shall enter into memoranda of understanding and similar agreements with public agencies for port or harbor purposes. Notwithstanding chapter 53.50, the City and Borough Docks and Harbors Board may negotiate and enter into contracts for goods and services; provided, that all legal services shall be provided by, or under the supervision of, the City and Borough Attorney, and further provided that all purchases shall be consistent with the requirements set forth in CBJ 53.50. All services provided by a City and Borough agency other than the City and Borough Attorney shall be pursuant to a memorandum of understanding or other instrument providing for payment or such other settlement as the manager and the board may approve.
- (B) Contracts for public improvements and, whenever practicable, other purchase of supplies, materials, equipment, and services, except professional services and services of officers and employees of the municipality, shall be subject to the competitive bidding and property standards and procedures established in chapter 53.50, provided that the board may, for all contracts, a class of contracts, or a particular contract, specify prior to issuance of a public solicitation that for purposes of applying chapter 53.50, all actions required thereby of the manager or the purchasing officer shall be performed by the port director, and provided further that any appeal of any protest of a contract so administered shall be from the bidding review board to the docks and harbors board and thereafter to the superior court.
- (C) All contracts and purchases exceeding \$100,000.00 shall require prior assembly approval.

85.02.063 - Land management plan.

- (a) After public hearing and deliberation, the docks and harbors board shall draft and forward to the planning commission and assembly a land management plan. The plan shall address the retention, use, disposal, and development of City and Borough land under the jurisdiction of the docks and harbors board. After public hearing and deliberation, the planning commission shall forward its recommendation to the assembly. Recommended changes to the land management plan shall be developed using the same procedure.

- (b) Development of the land management plan, or a change to the plan, shall be guided by the following principles:
 - (1) Multiple use should be encouraged;
 - (2) A sound local economy will be promoted;
 - (3) Adequate lands for public development and public use, including recreational beaches with appropriate uplands, should be reserved;
 - (4) Tidelands should be leased only for specific water-dependent and water-related uses and not sold;
- (c) In developing the land management plan to implement the policies outlined in this section, the following issues, without limitation, shall be considered:
 - (1) The supply of publicly owned lands to meet public needs;
 - (2) The supply of privately owned lands to meet the private-sector needs of the community;
 - (3) The comprehensive plan, the long-term capital improvements program, and other plans adopted by the assembly;
 - (4) Restrictions created by written instruments, zoning, and state and federal regulations;
 - (5) Physical, economic, resource, population and social factors affecting the area under consideration;
 - (6) Comments of the general public, affected landowners, state and federal agencies and local advisory groups;
 - (7) Ownership patterns and waterfront development plans of private landowners and state and federal agencies;
 - (8) The development and growth patterns and potentials of different areas of the City and Borough and waterfront services that may be needed as a result of that development and growth;
 - (9) The requirements of public access to and along public and navigable bodies of water;
 - (10) The protection of other public values including recreational, scenic, wildlife, and other environmental qualities; and
 - (11) Other matters which are relevant to a land use management plan.
- (d) The plan shall contain the following elements:
 - (1) Proposed land acquisitions;
 - (2) A listing of those lands to be retained for public use;
- (e) The plan shall be reviewed by the Docks and Harbors Board and the Planning Commission if a major unanticipated development affecting basic assumptions occurs, and in any case at least every five years.
- (f) Any lease, disposal, or use of land shall conform to the Long Range Waterfront Plan, the land management plan adopted above, Juneau Coastal Management Plan, and all other adopted City and Borough land use plans.
- (g) Upon receipt of a land management plan or a change recommended by the Docks and Harbors Board and Planning Commission, the assembly shall consider the plan, or change, and may adopt the plan or change only after it conducts a public hearing on the matter.

85.02.065 - Limitation on authority.

The Board of Directors of the City and Borough Docks and Harbors Board may commit the City and Borough to long-range port development or capital improvement plans or projects only as authorized in advance by the assembly by ordinance or resolution.

85.02.070 - Reserved.

85.02.080 - Port director designated; appointment.

The chief executive officer of the municipal port and harbors shall be the port director appointed by the City and Borough Docks and Harbors Board only upon the affirmative vote of a majority of the entire board. The port director serves at the pleasure of the board. For purposes of Chapter 44.05, the port director shall have the status of a department director. The board shall establish the compensation and benefits to be provided to the port director. Personnel actions regarding the port director, including hiring, evaluation, discipline, and termination, shall be after consultation with the city manager.

85.02.090 - Duties and responsibilities of port director.

- (a) The port director is responsible for the overall supervision and direction of the operation of the municipal port and harbors. The authority and duties of the port director shall include the following:
- (1) To be responsible for carrying out all applicable laws, ordinances, rules and regulations.
 - (2) To be responsible for carrying out policies established by the board of directors.
 - (3) In consultation with the City and Borough Personnel Director and consistent with that utilized by other City and Borough departments, to prepare and submit a plan of organization and a job classification plan for the personnel employed in the docks and harbors department to the docks and harbors board for approval.
 - (4) To prepare an annual budget as required by City and Borough ordinance.
 - (5) To select, employ, control and discharge all port and harbor employees and such other employees as the assembly by ordinance hereafter places under the supervision of the port director subject to the provisions of the City and Borough personnel ordinance.
 - (6) To prepare such reports as may be required on any phase of harbor activity.
 - (7) To attend all meetings of the board of directors and of standing committees except where otherwise authorized by the board.
 - (8) To perform any other duty that may be necessary in the interest of the port and harbor area.

85.02.100 - Schedule of fees and charges.

- (a) The board shall, by regulations adopted pursuant to CBJ 01.60, impose a schedule of fees and charges for use of ports and harbors, and facilities designated by the assembly by resolution.

85.02.105 - Port dues.

- (a) Every vessel carrying passengers for compensation and utilizing the port facilities, and not otherwise exempted by subsection (d) of this section, shall be assessed and pay port dues for each port visit. The port dues shall be in addition to other port facility fees and charges, provided, however, that port dues paid to the CBJ Docks and Harbors Department may be taken as a credit against port dues owed under this chapter. Port dues shall be calculated on the basis of registered net tonnage of the vessel as follows:

$$[\text{Base rate per registered net ton}] \times [\text{Registered net tonnage}]$$

$$= \text{Port dues per vessel per use of port facilities}$$

- (b) Rate schedule. The base rate per registered net ton shall be established by the city manager by regulation pursuant to CBJ 01.60 utilizing the services of an independent appraiser. The rate shall be the market rate for facilities with like amenities and services. The manager shall determine the market rate every five years, or from time to time as he or she shall determine. The market rate shall then be adjusted annually by the manager based on the Anchorage Cost of Living Index.

- (c) Port dues collected pursuant to this chapter shall be deposited in the port development fund.
- (d) Exemptions. The port dues shall not apply to:
 - (1) vessels having accommodations for 12 or fewer passengers;
 - (2) vessels traveling only between the City and Borough and points within 100 miles of the City and Borough port facilities; and
 - (3) noncommercial vessels, or vessels owned and operated by the state, the United States government, or a foreign government.
- (e) Administration and disposition of port dues. The proceeds of the port dues shall be placed in the port development fund. The port development fund shall be used for projects that benefit the cruise industry as outlined in the long-range waterfront development plan as it may be amended from time to time.

85.02.108 - Reserved.

85.02.110 - Preparation and submission of budget.

The port director shall prepare the budget in accordance with approved City and Borough procedure and format and shall submit it to the City and Borough Docks and Harbors Board for approval. The board shall modify the budget as it deems necessary and forward it to the City and Borough Manager for transmittal to the assembly. The operating portion of the budget submitted by board shall be for a self-sustaining operation without a general fund subsidy and with all harbor revenues and all interest earned thereon, and shall include reasonable additional revenues to fund harbor facilities replacements; such additional revenues shall be computed using accepted accounting principles and the estimated remaining useful life of harbor facilities owned by the City and Borough. The board may include in its operating budget projections for additional revenues to provide funds for the expansion or construction of new harbor facilities in future years as well as replacement of harbor facilities leased to the City and Borough.

85.02.120 - Other fiscal matters.

All other fiscal matters, including custody of and expenditure of funds, accounting and collection, shall be governed by general City and Borough ordinance.

85.02.130 - Employee relations.

Employees of the harbors shall be subject to Chapter 44.10 of this Code. For purposes of that chapter, the port director is a management employee who formulates, determines or effectuates management policies. Wherever in chapter 44.10 a duty, responsibility, or authority falls to the City and Borough Manager, such duty, authority, or responsibility shall fall to the port director. The City and Borough Docks and Harbors Board must ratify any collective bargaining agreement; provided, no such ratification may occur unless there are, or will be, adequate funds available to fund the initial fiscal year or portion thereof affected by the contract. The contract ratified by the board and the employees shall be immediately submitted to the assembly for assembly ratification under section 44.10.120.

85.02.140 - Reserved.